

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>MICHAEL FOSTER,</b>	<b>:</b>	<b>Case No. 1:04 cv 1032</b>
	<b>:</b>	
<b>Plaintiff (Pro Se),</b>	<b>:</b>	<b>JUDGE KATHLEEN O'MALLEY</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>GERALD T. McFAUL, et al.,</b>	<b>:</b>	<b>ORDER</b>
	<b>:</b>	
<b>Defendants.</b>	<b>:</b>	

This matter arises on Plaintiff's *Motion to Compel Non-Party to Comply With Issuance of Request for Documents via Subpoena* ("Motion to Compel") (Doc. 125), wherein the Plaintiff seeks an order compelling Christine Money (as warden of the Marion Correctional Institution) to produce documents requested *via* two subpoenas the Plaintiff claims to have served upon her. No motion to quash the subpoenas has been filed.

Within ten (10) days of the date of this Order, Plaintiff shall file a "Notice" indicating whether he has still not received the documents requested in the subpoenas at issue. If appropriate, Plaintiff may simply withdraw his Motion to Compel. If Plaintiff indicates that some or all of the requested information remains outstanding, he shall, contemporaneous with filing his Notice, transmit to non-party Christine Money a copy of his Notice and a copy of this Order. Plaintiff shall certify his transmittal in his Notice.

Within twenty-one (21) days of the filing date of the Plaintiff's Notice – provided it complains of a production deficiency – non-party Christine Money is hereby **ORDERED** to **SHOW CAUSE** why she has not complied with the Plaintiff's subpoenas or otherwise sought to have them quashed. If the Plaintiff fails timely to file a Notice or withdraws his Motion to Compel, this Order shall become moot.

Plaintiff's Motion to Compel is **DENIED**, pending reinstatement upon a failure of Christine Money to show cause for her failure to comply with the subpoenas at issue.

**IT IS SO ORDERED.**

s/Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**Dated: September 11, 2006.**